

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAVIER NUNEZ,

Plaintiff,

-against-

NICOLE FRASER, *et al.*,

Defendants.

23-CV-625 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff is proceeding *pro se* and *in forma pauperis* (IFP). By order dated April 17, 2023, the Court directed Plaintiff to amend his complaint to address deficiencies in his original pleading. (ECF 7.) That same day, Plaintiff filed an amended complaint. The amended complaint is substantially similar to the original complaint, and deficient for the same reasons. (ECF 8.) The Court grants Plaintiff an extension of time to file an amended complaint that complies with the April 17, 2023, order. If Plaintiff fails to comply within the time allowed, and he cannot show good cause to excuse such failure, the action will be dismissed for failure to state a claim upon which relief may be granted.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: May 17, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge